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Keywords

law, graduates, preparing, rural, approach, regional, practice, curriculum

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Preparing law graduates for rural and regional practice: A new curriculum-based approach

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Abstract

This paper documents the development of a curriculum-based approach to prepare law graduates for employment in rural and regional areas in Australia. The project was prompted by survey data which indicates that there are widespread difficulties in attracting lawyers to rural and regional areas. Further literature research and assessment of current practice revealed that employment as a lawyer in a rural or regional context is characterised by distinct challenges and opportunities; however, the tertiary curriculum does little to prepare students for practice in these areas, despite being well positioned to do so. This led to the creation of a publicly accessible and fully customisable curriculum package, which seeks to sensitise students to the realities of rural and regional legal practice, and prepare them for such career pathways.

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Keywords: rural lawyers; lawyer education; curriculum development.

1. Background

This paper details how the undergraduate law curriculum may be developed to prepare lawyers and other legal professionals for careers in rural and regional Australia. The research was conducted by five Australian universities which each have a commitment to rural and regional communities, and whose law schools produce graduates who seek employment in these areas.

In 2009, the Law Council of Australia conducted a national survey into problems affecting the recruitment and retention of lawyers in rural, regional and remote Australia. They found that many law firms in these areas were unable to recruit suitable lawyers to fill vacancies, and forecast that this situation will be exacerbated by the retirement of many experienced law firm principals in the near future (Law Council of Australia, 2009). Whilst the causes of recruitment and retention issues for lawyers in rural and regional areas are nuanced and vary from one

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region to the next (Forrell, Cain, & Gray, 2010), the role of lawyers in rural and regional areas is nonetheless typically characterised by unique professional and personal challenges distinct from those experienced in urban areas. This includes professional isolation, lack of resources, and high visibility within the community.

Evidence from other disciplines indicates that the undergraduate curriculum can be actively engaged to improve student preparedness for employment in rural and regional contexts (Bell, MacCarrick, Parker, & Allen, 2005; White et al, 2008). Clinical experience is of course one method by which students can be exposed to work in rural and regional communities; but this option does not emerge for many undergraduate law students. Nonetheless, students may still be introduced to the unique rural / regional practice context within the theory component of the undergraduate curriculum, encouraging awareness of these communities and the strategies required to meet the challenges of working within them (White et al, 2008; White & Kline, 2012). With the typical law school curriculum presupposing legal practice in metropolitan environments, this paper indicates that there is an opportunity for curriculum redevelopment to sensitise graduates to rural and regional legal practice, and to improve their capacity to live and work in these areas.

2. Literature review

Survey data reveals that 43 per cent of law firm principals from rural, regional and remote areas do not believe they have sufficient lawyers to service their existing client base; furthermore, it also indicates that 30 per cent of young lawyers in these areas intend to stay only for a short period before investigating practice elsewhere (Law Council of Australia, 2009). Whilst there are no optimal numbers of lawyers per capita, these statistics highlight that some rural and regional areas may suffer from inadequate legal services. As Rice (2011) notes, a reduction in the number of lawyers "...will be problematic if the fall is to a level which negates choice, and which invites conflicts of interest" (p. 24). With lawyers in rural and regional areas undertaking a significant amount of publicly funded and pro bono legal services, as well as voluntary community roles, the loss of lawyers from these areas could potentially restrict access to justice for a significant proportion of Australia's population (Law Council of Australia, 2009; Mundy, 2008).

The quantitative data suggests that there is an increasing 'unwillingness' (Rice, 2011) to work and live in rural and regional areas, which may be explained by evidence of the nature of rural and regional legal practice. Whilst rural and regional communities are not homogenous, and practitioner experience variously depends on "...‘upstream’ factors which arise far away from the areas affected, as well as regionally specific, sector and service specific factors" (O'Brien, Harrison, & Muddagouni, 2010, p. 3), some common themes emerge. It is generally acknowledged that employment in rural and regional areas exposes lawyers to a broad range of legal work, and a greater level of responsibility, at a very early stage in their career. In many cases, relatively inexperienced lawyers in rural and regional areas will undertake quite challenging work with very little direct supervision (Forell, Cain, & Gray, 2010). This has both positive and negative implications; on the one hand, it presents "...significant opportunities for relatively inexperienced lawyers who can assume major practice responsibilities at a relatively early stage of their careers" (Giddings, Hook, & Nielsen, 2001, p 60) – conversely, this may also be extremely challenging, particularly given the nature of the work performed.

The 'tyranny of distance' from metropolitan centres, exacerbated by prohibitive travel and access costs in some areas, can result in professional isolation and a lack of access to resources (including access to the internet and professional development activities) (Coverdale, 2011). Visibility of legal practitioners within rural and regional communities may be high, which reduces privacy, raises concerns for safety and personal welfare, creates tension around client confidentiality, and invites ethical issues and conflicts of interest. As Giddings, Hook and Nielsen (2001) note:

Being 'the lawyer' in a small rural town makes you the model citizen overnight – it is not uncommon for people to collect on your verandah on Saturday mornings (early!!!) to get advice on drink driving charges, stop you in the street to talk about their daughter's family law case, interrupt your favourite movie so you can help them

draft consent orders in a child contact dispute, and expect that you will provide countless volunteer hours towards any and all community groups in the area. (p. 60)

Contextual factors such as large volume challenging work, limited supervision and resources, professional and personal isolation, and high community visibility undoubtedly place great demands on rural and regional legal practitioners, offering an explanation for the growing unwillingness to work in these areas. Yet resolution of this problem demands more than an increase in the supply of graduates to rural and regional areas; rather, more careful preparation of students to manage the challenges inherent in rural and regional practice is required.

Research into both the medical professional curriculum and teacher education curriculum has determined that universities are well positioned to address attraction and retention issues for rural and regional professionals, playing a pivotal role in preparing students for careers in these areas. The medical profession has explored active interventions at the curriculum level, focusing on assessment approaches to build the knowledge and skills important to rural and regional practice (Bell, MacCarrick, Parker, & Allen, 2005). Lock et al. (2009) argue that the pre-service teacher curriculum needs to expose students to both educational and cultural issues, as well as the concept of 'rural social space' – the interrelated factors of demography, economy and geography unique to individual communities. Reid et. al argue that embedding 'an assumption of diversity and difference within and across rural social space' within the university curriculum 'is essential both in terms of ensuring the relevance and connectedness of the curriculum that will be designed and for the pedagogy that teachers plan to use with their students' (2010, p. 9).

It became evident to the project team that law schools could engage their curriculum to prepare students for employment in rural and regional contexts. Given that there is some indication that a student who studies at a regional university is more likely to seek employment in a rural or regional area (Castles, 2003; Mundy, 2008; O'Brien, Harrison, & Muddagouni, 2010), regional law schools in particular could engage their curriculum for this purpose. Whilst the project team acknowledged that this could include access to practical clinical placement opportunities in rural and regional areas, it was noted that this was not necessarily practical for all law schools. Following this, it was considered whether the theoretical components of the legal education curriculum could be more effectively utilised to sensitise law students to the realities of rural and regional legal practice, better equipping them to serve these communities.

3. Curriculum package development

Based on the themes which emerged from the literature and practice review, a customisable open-education resource curriculum package was developed, including a range of adaptable resources and learning activities suited to a variety of delivery modes. Whilst the curriculum package is suitable to be offered as a stand-alone unit of study, the separate modules are also able to be embedded as components within existing units of study (for example, Module 5 could be embedded in a unit on legal ethics). The overarching aim of the curriculum package is to equip legal academics with the ability to foster student understanding of the unique legal practice environments in rural and regional Australia, and to develop skills to manage the challenges and opportunities which arise. The collective learning outcomes of the modules within the package are for students to:

1. Define and describe the diverse legal practice contexts distinctive to rural and regional communities;
2. Identify ethically sound strategies to respond to rural and regional legal practice;
3. Demonstrate an awareness of the rural and regional legal career opportunities and identify strategies to live and work in a rural context; and
4. Formulate and identify commercial and managerial skills required for an innovative and dynamic rural and regional legal practice.

In order to achieve these outcomes, eight separate modules were developed:

1. The rural and regional context for legal practice;

2. The rural and regional lawyer;
3. Rural and regional practice;
4. Rural and regional client care;
5. Ethics and the rural and regional lawyer;
6. Innovation and entrepreneurship in rural and regional legal practice;
7. Professional and interpersonal skills for rural and regional legal practice;
8. Career planning and development in the rural and regional legal profession.

Each of these modules blend discussion of theory with practical examples and learning activities to reinforce content. Module 1 for example explores a range of ways in which students can uncover information about working and living in rural and regional communities, including access to statistical data (about population, and understanding the dominant type of legal work undertaken in an area) and interviews with lawyers and other professionals. It explores the ways in which the uniqueness and diversity in communities can shape the variety of legal issues that a rural or regional practitioner might encounter, and focuses on the importance of building relationships within and outside the legal profession to manage some of the challenges. It also introduces students to the important role lawyers play in fostering the wellbeing of rural and regional communities by building and maintaining 'social capital'. The first five modules continue to tease out the context of rural and regional areas and legal practice within them, exposing students to some of the roles undertaken by rural and regional lawyers, the unique needs of rural and regional clients, and some of the particular ethical issues which arise. The final three modules conceptualise some of the professional and interpersonal skills required to successfully live and work in a rural or regional context, including techniques for managing stress and conflict, working independently, developing entrepreneurial skills and encouraging opportunity awareness.

4. Conclusion

This paper has detailed the development of an undergraduate curriculum package to prepare law graduates for employment in rural and regional areas. The next phase of this project will see the curriculum modules taught as discrete topics in existing units within the undergraduate law curriculum, and combined as a standalone unit on rural and regional legal practice in at least one of the project partners' undergraduate law degrees. Student experience with the modules will be tracked over time, and refinement of the modules will be ongoing. A website containing the modules has been launched at <http://www.rrlen.net.au>, where the modules are available for download, and feedback is welcomed to feedback@rrlen.net.au.

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References

- Bell, E.J., MacCarrick, G., Parker, L., & Allen, R. (2005). 'Lost in translation'? Developing assessment criteria that value rural practice. *Rural Remote Health*, 5(3), 420.
- Castles, R. (2003). Recruitment and retention of young lawyers in remote, rural and regional Queensland. *Proctor*, 23(3), 32.
- Coverdale, R. (2011). Postcode justice: Rural and regional disadvantage in the administration of the law. *Deakin Law Review*, 16(1), 156.
- Forell, S., Cain, M., & Gray, A. (2010). *Recruitment and retention of lawyers in regional, rural and remote New South Wales*. Law and Justice Foundation of NSW. Retrieved September 3, 2012 from <http://www.lawfoundation.net.au/ljf/app/26A8F96AA6B2B2A7CA2577BC001049D4.html>
- Giddings, J., Hook, B., & Nielsen, J. (2001). Legal services in rural communities: Issues for clients and lawyers. *Alternative Law Journal*, 26 (2), 57-63.

- Law Council of Australia. (2009). *Rural, regional and remote areas lawyers survey*. Retrieved September 3, 2012 from http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=58075666-1E4F-17FA-D22C92C2CC13DA7C&siteName=lca, accessed 3 September 2012.
- Lock, G., Reid, J., Green, B., Hastings, W., Cooper, M., & White, S. (2009). Researching rural-regional (teacher) education in Australia. *Education in Rural Australia*, 19(2), 35-48.
- Mundy, T. (2008). *Recruitment and retention of lawyers in rural, regional and remote NSW: A literature review*. Northern Rivers Community Legal Centre.
- O'Brien, L., Muddagouni, R., & Harrison, J. (2010). *A feasibility study for law graduate legal practice experience with Community Legal Centres in Regional, Rural and Remote Australia*. Paper presented at the National Rural / Regional Law and Justice Conference Warrnambool, Victoria.
- Reid, J., Green, B., Cooper, M., Hastings, W., Lock, G., & White, S. (2010). Regenerating rural social space? Teacher education for rural-regional sustainability. *Australian Journal of Education*, 54(3), 262-276.
- Rice, S. (2011). Access to a lawyer in rural Australia: Thoughts on the evidence we need. *Deakin Law Review* 16 (1), 13.
- White, S., Green, B., Reid, J., Lock, G., Hastings, W., & Cooper, M. (2008). Teacher education for rural communities: A focus on 'incentives'. In T. Aspland (Ed.), *ATEA 2008: Teacher Educators at Work: What works and where is the evidence?* Paper presented at the 2008 Australian Teacher Education Association Conference, Australian Teacher Education Association, Melbourne, VIC.
- White, S.J., and Kline, J. (2012). Developing a rural teacher education curriculum package. *Rural Educator: A Journal for Rural and Small School Issues*, 33(2), 36-42.